

**AMENDED  
TEMPORARY****APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF  
NEVADA HERETOFORE APPROPRIATED**Date of filing in State Engineer's Office JUN 28 2005Returned to applicant for correction NOV 30 2005Corrected application filed JAN 18 2006Map filed JAN 18 2006

\*\*\*\*\*

The applicant **Newcrest Resources, Inc.** hereby makes application for permission to change the **Point of diversion Place of use Manner of use of a portion** of water heretofore appropriated under **permit #64348**

\*\*\*\*\*

1. The source of water is **Cherry Creek (stream)**
2. The amount of water to be changed **0.0019 CFS (70,000 gals over 2 months)**
3. The water to be used for **Exploration Drilling**
4. The water heretofore permitted for **irrigation**
5. The water is to be diverted at the following point **SE¼, NW¼, Sec. 4, T.19N., R.37E, MDB&M. or at a point from which the NE corner of said Sec. 4 bears N 51° E a distance of 4200 ft.**
6. The existing permitted point of diversion is located within the **NE¼-SE¼ of Sec. 5, T.19N., R.37E., MDB&M from a point that bears N. 67° 45' 12" E a distance of 23481.49 feet to the SE corner of Section 25, T.20N., R.37E. MDB&M**
7. Proposed place of use **NE¼ of Section 23 T.21N. R.38E. MDB&M an area along the valley floor road; for mineral exploration drilling**
8. Existing place of use **S½-SE¼ of Section 25 (80 acres), the N½-NW¼ and W½-NE¼ of Section 36 (160 acres); all in T.20N., R.37E., MDB&M; a total of 240 acres.**
9. Use will be from **April 15th to June 15th** of each year.
10. Use was permitted from **January 1st to December** of each year.
11. Description of proposed works **motorized pump from canal into a mobile water truck and hauled via valley road to place of use.**
12. Estimated cost of works **\$2500/mo. rental of pump & water truck**
13. Estimated time required to construct works **N/A**
14. Estimated time required to complete the application of water to beneficial use **2 months**

15. Remarks: Simply; deverting canal irrigation water for use for a short mineral exploration drilling program.

By Thomas R. Kilbey  
s/ Thomas R. Kilbey  
1625 E. Prater Way #C107  
Sparks, NV. 89436

Compared W/ gkl W/ gkl

Protested \_\_\_\_\_

\*\*\*\*\*

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion, place of use and manner of use of a portion of the waters of Cherry Creek as heretofore granted under Permit 64348, is issued subject to the terms and conditions imposed in said Permit 64348, and with the understanding that no other rights on the source will be affected by the change proposed herein. A measuring device must be installed and measurements of water use kept.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 64348 and 72973-T shall not exceed 960.00 acre-feet annually.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on June 30, 2006 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.002 cubic feet per second, but not to exceed 70,000 gallons.

Work must be prosecuted with reasonable diligence and be completed on or before:

N/A - Temporary

Proof of completion of work shall be filed on or before:

N/A - Temporary

Water must be placed to beneficial use on or before:

N/A - Temporary

Proof of the application of water to beneficial use shall be filed on or before:

N/A - Temporary

Map in support of proof of beneficial use shall be filed on or before:

N/A - Temporary

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 10th day of March, A.D. 2006

  
State Engineer